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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,074	08/19/2004	David C. Baker	Y03-069	2100
7590 08/28/2008				
Henry D Coleman Coleman Sudol Sapone 714 Colorado Avenue Bridgeport, CT 06605-1601			EXAMINER COVINGTON, RAYMOND K	
			ART UNIT	PAPER NUMBER
			1625	
			MAIL DATE	DELIVERY MODE
			08/28/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/502,074

**Applicant(s)**

BAKER ET AL.

**Examiner**

Raymond Covington

**Art Unit**

1625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/23/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 63-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Double Patenting***

The title of the disclosure is objected to because it contains the term "novel". Correction is required. See MPEP § 608.01(b). Deletion of this term will overcome the rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 63-92 are rejected under 35 U.S.C. 103 as being unpatentable over Trigo et al J. Heterocyclic Chem. (1980) 17, pp. 69-72 in view of Peitit et al J. Natural Products (1984) 47 pp 913-919, SAIFAH et al J. Natural Products. (1983) 46, pp. 352-358 .

Trigo et al teach compounds 5- 7 wherein R is methoxy (page 69, Scheme I) which correspond to claims 1, 26, 28, and 55-58 formula A where B and C form a ring, n = 2, R5 = OH. The composition and method of use thereof are also encompassed by the instant claims. Peitit et al teach compounds 1a, 1b, 2, 3, 4a-c (page 915), the composition and method of use thereof, are encompassed by the instant claims

formula A, where B and C form a ring,  $n = 1$ ,  $R5 = OH$ . SAIFAH et al teach compounds 1, 2, 6a-c (page 354), encompassed by the instant claims formula A. Regarding applicants' comments it is noted that phenyl ring substituents and their position on the ring are readily interchangeable in these compounds.

Claims 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trigo et al J. Heterocyclic Chem. (1980) 17, pp. 69-72 in view of LIEPA et al J.C.S. Chem. Comm. (1977) 22, pp. 826-827.

Trigo et al teach dehydrating 15-OH tyloindicine compounds of the type recited in the claims. See scheme 1 reactions 5-7. Liepa et al teach reducing tyloindicine compounds corresponding to the product of step (a) to obtain the compound of applicants' step (b). See page 827 scheme 2 reactions 12-14 and the last paragraph. Using somewhat different but otherwise analogous reducing techniques would have been obvious to one of ordinary skill in the art as the results would not have been unexpected.

### ***Claim Objections***

Claims 64-79 objected to because of the following informalities: Claims ultimately depend from canceled base claim 1. Appropriate correction is required.

Claims 90-92 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Covington whose telephone number is (571) 272-0681. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres at telephone number (571) 272-0867.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. C./  
Examiner, Art Unit 1625

/Janet L. Andres/  
Supervisory Patent Examiner,  
Art Unit 1625

RKC